S.B. Cr. Misc. II Bail Application No.13/2007
Raju Vs. State of Rajasthan

Date of Order : 04.01.2007

HON'BLE JUSTICE SHRI SATYA PRAKASH PATHAK

Mr. Dhirendra Singh for petitioner.
Mr. V.R. Mehta, Public Prosecutor.

The contention of the learned counsel is that in the instant case previously a report was lodged by the brother of deceased Pista that she had gone with one Tejpal and thereafter she did not return. It has also been submitted that subsequent FIR was lodged on 19.09.2006 i.e. after six days wherein the name of petitioner has also been mentioned and it is stated that petitioner alongwith Tejpal and Ratan murdered the deceased. According to the learned counsel as far as name of the accused petitioner is concerned, the same has been stated in the First Information on the basis of hearsay evidence and there is no evidence available on record which may go to show that accused petitioner was seen with the deceased at any point of time. The learned counsel, in this connection, has invited my attention towards the statements of the witnesses recorded in this case wherein some of the witnesses have

stated that they heard that accused petitioner alongwith other persons was responsible for the death of deceased. The learned counsel submits that recovery of a ring of the deceased has been said to be effected but without identification of the ring the recovery is of no use.

On the other hand, the learned Public Prosecutor has submitted that on the basis of disclosure statement of accused petitioner, the site, which is a river, where the dead body was thrown, was seen, so it cannot be said that absolutely there is no evidence in this case, and therefore, the accused is not entitled to be granted bail.

I have considered the submissions made before me.

After having considered the material available on record, without expressing any opinion on the merit of the case, I deem it proper to allow the applications moved under Sec.439 of the Cr.P.C.

Accordingly, the application is allowed and it is directed that petitioner Raju s/o Deen Dayal shall be

released on bail in FIR No.159/2006 P.S. Marwar Junction, District Pali provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK)J.

/jpa